

The following bill then was introduced, read first time and referred to the Committee on Counties and County Boundaries:

By Senator Chadick:

S. B. No. 348, A bill to be entitled "An Act amending Acts of 1941, 47th Legislature, page 269, chapter 183, and declaring an emergency."

### Adjournment

Senator Lane moved that the Senate adjourn until 10:30 o'clock a. m., tomorrow.

Senator Moffett moved that the Senate recess to 2:30 o'clock p. m., today.

Question first recurring on the motion of Senator Lane, yeas and nays were demanded.

The motion prevailed by the following vote:

#### Yeas—15

Brown	Moore
Carney	Ramsey
Chadick	Stone
Crawford	Taylor
Knight	Weinert
Lane	Winfield
Martin	York
Metcalf	

#### Nays—12

Aikin	Moffett
Bullock	Shivers
Graves	Spears
Hazlewood	Stanford
Jones	Sulak
Kelley	Vick

#### Absent

Lanning

#### Absent—Excused

Mauritz	Parrish
Morris	

The Senate, accordingly at 12:10 o'clock p. m., adjourned until 10:30 o'clock a. m., to morrow.

### SEVENTY-EIGHTH DAY

(Tuesday, May 29, 1945)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Ramsey
Chadick	Shivers
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Kelley	Taylor
Knight	Vick
Lane	Weinert
Lanning	Winfield
Martin	York
Metcalf	

A quorum was announced present.

The Reverend J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of yesterday was dispensed with and the Journal was approved.

#### Leaves of Absence Granted

Senators Mauritz and Parrish were granted leaves of absence for today on account of illness on motion of Senator Winfield.

#### Message from the Governor

At the direction of the President, the following communication from the Governor was read to the Senate:

Austin, Texas,  
May 28, 1945.

To the Senate of the Forty-ninth Legislature.

Complying with Senate Concurrent Resolution No. 33, I am returning herewith Senate Bill No. 246 to the Senate.

Respectfully submitted,  
COKE R. STEVENSON.  
Governor of Texas.

#### Report of Standing Committee

Senator Chadick submitted the following report:

Austin, Texas,  
May 28, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred S. B. No. 348, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CHADICK, Chairman.

**Report of Conference Committee on House Bill 555**

Senator Kelley submitted the following conference committee report:

Austin, Texas,  
May 27, 1945.

Hon. John Lee Smith, President of the Senate.

Hon. Claud Gilmer, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and the Senate on House Bill No. 555, beg leave to report that we have considered the same and recommend that it do pass in the form and text hereto attached.

KELLEY  
BROWN  
STONE  
GRAVES

On the part of the Senate.

MESSER  
COUSINS  
McFARLAND  
FAVORS  
MOORE

On the part of the House.

H. B. No. 555 By Messer

A BILL

To Be Entitled

An Act to amend Chapter 13, Article 2326, Revised Civil Statutes of Texas, 1925, and all subsections of said Article, providing that the Official Shorthand Reporter of each Judicial District in this State, either a Civil or Criminal District Court, or any County Court at Law, either civil or criminal, shall receive a salary of not less than Two Thousand, Four Hundred Dollars (\$2,400) nor more Three Thousand, Seven Hundred and Fifty Dollars (\$3,750) per annum, to be paid monthly by the respective counties, in addition to the transcript fees and traveling and hotel expenses now provided by law; providing that the salary of all of the Official Shorthand Reporters shall be fixed and determined by the District Judges of the Judicial Districts and by the Judge of the County Courts, civil or criminal; providing the Act shall not apply to counties having a population of not less than two hundred and twenty thousand (220,000) nor more than three hundred and ninety thousand (390,000) inhabitants;

providing the manner of the payment of the salary; making the Act cumulative; repealing all laws and parts of laws in conflict with this Act; providing this Act shall not repeal nor amend Article 2326A, Article 2326H, and Article 2327A of Chapter 13; and declaring an emergency.

Be it Enacted by the Legislature of the State of Texas:

Section 1. That Article 2326, Chapter 13, Revised Civil Statutes of Texas, 1925, and all subsections of Article 2326, be and the same are hereby amended so as to hereafter read as follows:

"Article 2326. The Official Shorthand Reporter of each Judicial District Court, civil or criminal, and the Official Shorthand Reporter of each County Court at Law, civil or criminal, shall receive a salary of not less than Two Thousand, Four Hundred Dollars (\$2,400) per annum and not more than Three Thousand, Seven Hundred and Fifty Dollars (\$3,750) per annum. Said salary shall be fixed and determined by the District Judges of the Judicial Districts, civil or criminal, and the Judges of the County Court at Law, civil or criminal, who shall enter an order in the minutes of the Court, in each county of the district, which shall be a public record and open for public inspection, stating specifically the amount of salary to be paid said reporter. The District Judge shall file a copy of said order with each Commissioners Court of the District. The salary shall be in addition to the transcript fees and traveling and hotel expenses of Official Shorthand Reporters, as is now provided by law.

"The salary shall be paid monthly by the Commissioners Court of the county or counties in the Judicial Districts, civil or criminal, and the County Courts at Law, civil or criminal, out of any available fund of the county or counties that the Commissioners Court may desire to pay the same, according to Articles 2326H and 2327A.

"The provisions of this Act shall not apply to counties having a population of not less than two hundred and twenty thousand (220,000) nor more than three hundred and ninety thousand (390,000) inhabitants."

Sec. 2. The provisions of this Act are and shall be held and construed to be cumulative of all General and

Special laws of this State on the subject treated of and embraced in this Act when not in conflict therewith, but in case of conflict, in whole or in part, this Act shall control in so far as any conflict exists. All laws and parts of laws in conflict with said Act are hereby repealed.

Provided, however, this Act does not repeal nor amend Articles 2326A, 2326H, and 2327A of Chapter 13.

Sec. 3. The crowded condition of the calendar and the fact that existing economic conditions have brought about an increase in the prices of all commodities and that the Official Shorthand Reporters are being paid below the present standard for comparable services, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and that this Act shall take effect and be in full force and effect from and after its passage, and it is so enacted.

On motion of Senator Kelley, the report was adopted.

#### Bill Re-referred

On motion of Senator Kelley, House Bill No. 879 was re-referred from the Committee on Finance to the Committee on Stock and Stock Raising.

#### Motion to Place House Bill 48 on Third Reading

Senator Moffett moved that the regular order of business be suspended, and that House Bill No. 48 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—16

Aikin	Jones
Brown	Kelley
Carney	Lane

Martin	Stone
Moffett	Taylor
Morris	Vick
Ramsey	Weinert
Shivers	Winfield

Nays—9

Bullock	Lanning
Chadick	Metcalfe
Crawford	Moore
Graves	Sulak
Knight	

Absent

Spears	York
Stanford	

Absent—Excused

Parrish

Paired

Senator Hazlewood (present), who would vote "yea" with Senator Mauritz (absent), who would vote "nay."

#### Report of Conference Committee on House Bill 215

Senator Lanning submitted the following report of the Conference Committee on House Bill No. 215:

Hon. John Lee Smith, President of the Senate.

Hon. Claud H. Gilmer, Speaker of the House of Representatives.

Sirs: We, the members of your conference committee appointed to adjust the differences between the Senate and the House of Representatives on House Bill No. 215, have met and had same under consideration and recommend that House Bill No. 215 be passed in the form attached hereto.

LANNING  
SPEARS  
WINFIELD  
MOORE

On the part of the Senate.

MORGAN  
MOORE

JONES of Bosque  
WINFREE

On the part of the House.

#### H. B. No. 215

An Act making an appropriation for the support and maintenance of the Judiciary of the State of Texas for the biennium beginning September 1, 1945, and ending August 31, 1947; requiring certain fees paid to clerks or officers of all Appellate Courts to be deposited monthly in the State Treasury; prescribing certain rules and restrictions respecting the expenditures of appropriations made herein; suspending all laws in conflict herewith; declaring the invalidity of any portion of this Act shall not affect any other portion; and declaring an emergency.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:**

Section 1. That the several sums of money herein specified or so much thereof as may be necessary, are hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, for the purposes herein indicated as follows:

**COURT OF CIVIL APPEALS—FIRST DISTRICT  
GALVESTON**

Salaries and Maintenance:	For the Years Ending	
	August 31, 1946	August 31, 1947
1. Three Judges at \$6,500 per year (S) .....	\$ 19,500.00	\$ 19,500.00
2. Clerk .....	3,780.00	3,780.00
3. Deputy clerk or stenographer .....	1,980.00	1,980.00
4. Deputy clerk or stenographer .....	1,725.00	1,725.00
5. Porter .....	900.00	900.00
6. Equipment, maintenance and contingent expenses .....	500.00	500.00
7. Books for library, transferable .....	1,000.00	1,000.00
<b>Totals .....</b>	<b>\$ 29,385.00</b>	<b>\$ 29,385.00</b>

**COURT OF CIVIL APPEALS—SECOND DISTRICT  
FORT WORTH**

Salaries and Maintenance:		
1. Three Judges at \$6,500.00 per year (S) .....	\$ 19,500.00	\$ 19,500.00
2. Clerk .....	3,780.00	3,780.00
3. Deputy clerk or stenographer .....	1,980.00	1,980.00
4. Deputy clerk or stenographer .....	1,725.00	1,725.00
5. Porter .....	900.00	900.00
6. Equipment, maintenance and contingent expenses .....	500.00	500.00
7. Books for library, transferable .....	1,000.00	1,000.00
8. Typewriter .....	120.00	
<b>Totals .....</b>	<b>\$ 29,505.00</b>	<b>\$ 29,385.00</b>

**COURT OF CIVIL APPEALS—THIRD DISTRICT  
AUSTIN**

Salaries and Maintenance:		
1. Three Judges at \$6,500.00 each (S) .....	\$ 19,500.00	\$ 19,500.00
2. Clerk .....	3,780.00	3,780.00
3. Deputy Clerk or Stenographer .....	1,980.00	1,980.00
4. Deputy Clerk or Stenographer .....	1,725.00	1,725.00
5. Porter .....	900.00	900.00
6. Equipment, Maintenance and Contingent Expenses .....	500.00	500.00
7. Books for Library, transferable .....	1,000.00	1,000.00
<b>Totals .....</b>	<b>\$ 29,385.00</b>	<b>\$ 29,385.00</b>

**COURT OF CIVIL APPEALS—FOURTH DISTRICT  
SAN ANTONIO**

Salaries and Maintenance:		
1. Three Judges at \$6,500.00 per year (S) .....	\$ 19,500.00	\$ 19,500.00
2. Clerk .....	3,780.00	3,780.00
3. Deputy Clerk .....	1,980.00	1,980.00
4. Stenographer .....	1,725.00	1,725.00
5. Porter .....	900.00	900.00
6. Equipment, Maintenance and Contingent		

	For the Years Ending	
	August 31, 1946	August 31, 1947
Expenses .....	500.00	500.00
7. Books for Library, transferable .....	1,000.00	1,000.00
Totals .....	\$ 29,385.00	\$ 29,385.00

**COURT OF CIVIL APPEALS—FIFTH DISTRICT  
DALLAS**

**Salaries and Maintenance:**

1. Three Judges at \$6,500.00 per year (S) .....	\$ 19,500.00	\$ 19,500.00
2. Clerk .....	3,780.00	3,780.00
3. Deputy Clerk or Stenographer .....	1,980.00	1,980.00
4. Deputy Clerk or Stenographer .....	1,725.00	1,725.00
5. Porter .....	900.00	900.00
6. Equipment, Maintenance and Contingent Expenses .....	500.00	500.00
7. Books for Library, transferable .....	1,000.00	1,000.00
Totals .....	\$ 29,385.00	\$ 29,385.00

**COURT OF CIVIL APPEALS—SIXTH DISTRICT  
TEXARKANA**

**Salaries and Maintenance:**

1. Three Judges at \$6,500.00 per year (S) .....	\$ 19,500.00	\$ 19,500.00
2. Clerk .....	3,780.00	3,780.00
3. Deputy Clerk .....	1,980.00	1,980.00
4. Stenographer .....	1,725.00	1,725.00
5. Porter .....	900.00	900.00
6. Equipment, Maintenance and Contingent Expenses .....	500.00	500.00
7. Books for Library, transferable .....	1,000.00	1,000.00
Totals .....	\$ 29,385.00	\$ 29,385.00

**COURT OF CIVIL APPEALS—SEVENTH DISTRICT  
AMARILLO**

**Salaries and Maintenance:**

1. Three Judges at \$6,500.00 per year (S) .....	\$ 19,500.00	\$ 19,500.00
2. Clerk .....	3,780.00	3,780.00
3. Deputy Clerk .....	1,815.00	1,815.00
4. Stenographer .....	1,815.00	1,815.00
5. Porter .....	900.00	900.00
6. Equipment, Maintenance and Contingent Expenses .....	500.00	500.00
7. Books for Library, transferable .....	1,000.00	1,000.00
Totals .....	\$ 29,310.00	\$ 29,310.00

**COURT OF CIVIL APPEALS—EIGHTH DISTRICT  
EL PASO**

**Salaries and Maintenance:**

1. Three Judges at \$6,500 per year (S) .....	\$ 19,500.00	\$ 19,500.00
2. Clerk .....	3,780.00	3,780.00
3. Deputy Clerk .....	1,980.00	1,980.00
4. Stenographer .....	1,725.00	1,725.00

	For the Years Ending	
	August 31, 1946	August 31, 1947
5. Porter .....	900.00	900.00
6. Equipment, maintenance and contingent ex- penses .....	500.00	500.00
7. Books for library, transferable .....	1,000.00	1,000.00
Totals .....	\$ 29,385.00	\$ 29,385.00

COURT OF CIVIL APPEALS—NINTH DISTRICT  
BEAUMONT

Salaries and Maintenance:

1. Three Judges at \$6,500 per year (S).....	\$ 19,500.00	\$ 19,500.00
2. Clerk .....	3,780.00	3,780.00
3. Deputy Clerk or Stenographer .....	1,980.00	1,980.00
4. Deputy Clerk or Stenographer .....	1,725.00	1,725.00
5. Porter .....	900.00	900.00
6. Equipment, maintenance and contingent ex- penses .....	500.00	500.00
7. Books for library, transferable .....	1,000.00	1,000.00
Totals .....	\$ 29,385.00	\$ 29,385.00

COURT OF CIVIL APPEALS—TENTH DISTRICT  
WACO

Salaries and Maintenance:

1. Three Judges at \$6,500 per year (S).....	\$ 19,500.00	\$ 19,500.00
2. Clerk .....	3,780.00	3,780.00
3. Deputy Clerk .....	1,980.00	1,980.00
4. Stenographer .....	1,725.00	1,725.00
5. Porter .....	900.00	900.00
6. Equipment, maintenance and contingent ex- penses .....	500.00	500.00
7. Books for library, transferable .....	1,000.00	1,000.00
Totals .....	\$ 29,385.00	\$ 29,385.00

COURT OF CIVIL APPEALS—ELEVENTH DISTRICT  
EASTLAND

Salaries and Maintenance:

1. Three Judges at \$6,500 per year (S).....	\$ 19,500.00	\$ 19,500.00
2. Clerk .....	3,780.00	3,780.00
3. Deputy Clerk .....	1,980.00	1,980.00
4. Stenographer .....	1,725.00	1,725.00
5. Porter .....	900.00	900.00
6. Equipment, maintenance and contingent ex- penses .....	500.00	500.00
7. Books for library, transferable .....	1,000.00	1,000.00
Totals .....	\$ 29,385.00	\$ 29,385.00

SUPREME COURT OF TEXAS AND COMMISSION OF APPEALS

Salaries and Miscellaneous

1. Three Judges of the Supreme Court at \$8,000 each per annum (S) .....	\$ 24,000.00	\$ 24,000.00
2. Six Judges of Commission of Appeals (or six additional judges of the Supreme Court in the		

		For the Years Ending August 31, 1946      August 31, 1947	
	event that S. J. R. No. 8 is adopted and becomes a part of the constitution) .....	45,000.00	45,000.00
2a.	Additional sums necessary to pay salaries of six judges of Supreme Court in the event, and only in the event, S. J. R. No. 8 of the 49th Legislature is adopted and becomes a part of the constitution .....	3,000.00	3,000.00
3.	Clerk of the Supreme Court, including services to the Commission of Appeals and the State Bar of Texas .....	5,000.00	5,000.00
4.	Chief Deputy Clerk .....	3,024.00	3,024.00
5.	Deputy clerk and secretary to Board of Legal Examiners .....	3,300.00	3,300.00
6.	Deputy Clerk .....	2,646.00	2,646.00
7.	Deputy Clerk .....	2,646.00	2,646.00
8.	Deputy clerk and assistant Secretary to Board of Legal Examiners .....	2,646.00	2,646.00
9.	Reporter .....	3,300.00	3,300.00
10.	Briefing attorney—chief .....	3,600.00	3,600.00
11.	Briefing attorney .....	2,400.00	2,400.00
12.	Briefing attorney .....	2,400.00	2,400.00
13.	Briefing attorney .....	2,400.00	2,400.00
14.	Marshal and assistant librarian .....	1,980.00	1,980.00
15.	Secretary to Judges of Supreme Court .....	2,475.00	2,475.00
15a.	Secretary to Judges of Supreme Court .....	2,475.00	2,475.00
16.	Secretary to Judges of Supreme Court .....	2,475.00	2,475.00
17.	Secretary to Judges of Commission of Appeals or Supreme Court .....	1,980.00	1,980.00
18.	Secretary to Judges of Commission of Appeals or Supreme Court .....	1,980.00	1,980.00
19.	Secretary to Judges of Commission of Appeals or Supreme Court .....	1,980.00	1,980.00
20.	Secretary to Judges of Commission of Appeals or Supreme Court .....	1,980.00	1,980.00
21.	Porter .....	900.00	900.00
22.	Porter .....	900.00	900.00
23.	Porter .....	900.00	900.00
24.	Printing, postage, express, record books, repairs, furniture, telephones, equipment, stationery and contingent expenses .....	2,400.00	2,400.00
25.	Law books and rebinding for Supreme Court library, also, new cabinet, improved lighting equipment, cases and repairs .....	2,600.00	2,600.00
Totals Supreme Court and Commission....		\$130,387.00	\$130,387.00

#### COURT OF CRIMINAL APPEALS AND COMMISSION IN AID OF COURT OF CRIMINAL APPEALS

##### Salaries and Maintenance:

1.	Three Judges at \$8,000 per year (S) .....	\$ 24,000.00	\$ 24,000.00
2.	Two Judges of Commission in aid of Court of Criminal Appeals at \$7,500 per year (S)....	15,000.00	15,000.00
3.	Clerk .....	4,350.00	4,350.00
4.	Bailiff-secretary .....	2,475.00	2,475.00
5.	Secretary .....	2,475.00	2,475.00
6.	Secretary .....	2,475.00	2,475.00
7.	Law clerk-secretary .....	2,156.00	2,156.00
8.	Law clerk-secretary .....	2,156.00	2,156.00
9.	Court reporter .....	3,800.00	3,800.00

Salaries and Maintenance:	For the Years Ending	
	August 31, 1946	August 31, 1947
10. Secretary to reporter .....	1,980.00	1,980.00
11. Porter-file clerk .....	900.00	900.00
12. Postage, telephone, box rent, record books, law books, stationery and contingent expenses..	2,000.00	2,000.00
Totals .....	\$ 63,767.00	\$ 63,767.00

#### STATE PROSECUTING ATTORNEY BEFORE COURT OF CRIMINAL APPEALS

Salaries and Maintenance:		
1. State's attorney (S) .....	6,000.00	6,000.00
2. Clerk-secretary .....	2,310.00	2,310.00
3. Books, telephone, telegraph, postage, box rent, furniture, supplies, equipment, and contingent expenses .....	1,000.00	1,000.00
Totals, State's attorney .....	\$ 9,310.00	\$ 9,310.00

#### JUDICIARY SECTION—COMPTROLLER'S DEPARTMENT

Salaries and Maintenance:		
1. Salaries of 130 District Judges and Criminal District Judges at \$5,000.00 per year (S)....	\$650,000.00	\$650,000.00
2. Salaries, including the \$500.00 Constitutional allowance, of 52 District Attorneys at \$4,000.00 per year. (As per Chapter 442, Acts of Second Called Session, Forty-fourth Legislature)....	208,000.00	208,000.00
3. Salary of Criminal District Attorney in districts composed of two or more counties (Section No. 18, Chapter 465, Forty-fourth Legislature). .....	4,500.00	4,500.00
4. Salary of District Attorney of 34th District (El Paso) .....	5,500.00	5,500.00
5. District Judges and District Attorneys' expenses in districts composed of two or more counties (per Article 6820 and Article 326K-37, Revised Civil Statutes of Texas, 1925).....	47,600.00	47,600.00
6. Special District Judges' Salaries and Regular District Judges' expenses when holding court out of their district .....	7,500.00	7,500.00
7. Transcript fees to official court reporters for narrative statement of facts and/or in cases where court is required and does appoint attorney to represent defendant in criminal action, and when official reporter is required and does furnish defendant's attorney with transcript of his notes as is provided by law .....	500.00	500.00
8. Fees and costs of officials in cases of escheated estates, including accrued fees .....	50.00	50.00
9. Fees and costs of sheriffs, attorneys and clerks in felony cases, and fees of county judges, county attorneys, justices of peace, sheriffs and constables in examining trials where indictments are returned .....	60,000.00	60,000.00
10. Apportionment to counties at 10c per capita where county officers are paid salaries (per		



For the Years Ending  
August 31, August 31,  
1946 1947

**Salaries and Maintenance:**

Chapter 465, Section 6a, Second Called Session, Acts Forty-fourth Legislature). Should any county, by election of the commissioners court change from salary to fee basis or vice versa, the Comptroller shall make adjustment in the appropriations by transferring the correct amount from appropriation made for fees and costs of sheriff and other county officials to appropriation to pay counties on a per capita basis or vice versa as the case may be .....			475,000.00	475,000.00
11. Apportionment to counties where county officers are paid salaries and where there is a criminal district attorney or county attorney performing the duties of district attorney (for thirty-three counties in 1940, as per subsection B, section 13, Chapter 465, Acts, Forty-fourth Legislature). .....			146,429.00	146,429.00
12. Expenses of attached witnesses, witness fees and mileage allowed witnesses in felony cases where the witness lives outside the county where the case is being tried .....			50,000.00	50,000.00
13. Special Judges of Supreme Court, Courts of Criminal Appeals and Civil Appeals, where regular judges are disqualified and where special judges are appointed; per diem to be same as regular district judge receives .....			500.00	500.00
14. Expenses of Civil Judicial Council (per Senate Bill No. 52, First Called Session, Forty-first Legislature). .....			3,000.00	3,000.00
15. Traveling expenses of Judges of Courts of Civil Appeals when sitting in other districts.....			750.00	750.00
16. Compensations or fees to attorneys for performing duties of district attorney (per House Bill 137, Regular Session, Forty-eighth Legislature). .....			2,600.00	2,600.00
<b>Totals, Judiciary Section, Comptroller's Department .....</b>			<b>\$1,661,929.00</b>	<b>\$1,661,929.00</b>

**APPELLATE COURT REPORTS****Salaries and Maintenance:**

1. Printing and binding Supreme Court and Court of Criminal Appeals reports, by State Board of Control .....	\$ 5,500.00	\$ 5,500.00
Additional appropriation, or so much thereof as may be necessary, to pay the increases in salaries of Judges of the Supreme Court, the Court of Criminal Appeals, the Supreme Court Commission of Appeals, the Commission in Aid of the Court of Criminal Appeals, Courts of Civil Appeals, District Courts and Criminal District Courts in the event and only in the event that Senate Bill No. 235, Acts of the Regular Session of the Forty-ninth Legislature should become a law .....		
	\$206,500.00	\$206,500.00

**GENERAL PROVISIONS—JUDICIARY**

Sec. 2. All amounts appropriated in this Act for law books, or expended therefor under authority of this Act, shall be paid out of the General Fund.

Sec. 3. All fees or sums of money of any kind paid to any court for which appropriations are made herein or to any of the clerks, officers, or employees of any such court, whether such fees or sums of money of any kind are for official or unofficial copies of opinions, carbon copies, or for other services or documents, shall be deposited at the close of each month in the General Fund of the State Treasury, and none of such fees or sums of money of any kind shall be retained by or paid to said clerks, officers, or employees. Each court employee whose salary is provided herein, except porters, shall file with such court monthly pay roll with the Comptroller on the fifteenth day of each month, an affidavit showing that he has not retained any compensation out of any court fees or other fees or sums of money of any kind received by him of the court during the previous month and showing that all such fees or sums of money of any kind have been deposited in the State Treasury. The Comptroller shall not issue a warrant in payment of the salary of any such employee for any month unless and until the affidavit required herein has been filed for said previous month.

Sec. 4. (a) Appropriations made in this Act are intended to be, and shall be, construed as being the maximum sums, respectively, which may be used in any way for the purpose or object named in the Act, and obligations shall not be incurred in any case which, when the amount thereof added to expenditures actually made, will exceed such maximum sum; and no surplus shall be diverted from one appropriation to another, except transfers or adjustments may be made as between appropriated amounts for books, equipment, maintenance, and contingent items.

(b) All printing and stationery shall be purchased through the Board of control and shall be confined to such articles and qualities as selected and contracted for by the Board of Control.

(c) No account against any items of fees of witnesses, county attorneys, justices of peace, sheriffs, and constables, and cost of sheriffs, attorneys, and clerks in felony cases, shall be binding as an obligation against the State of Texas, until such account shall have been examined, audited, and approved by the State Comptroller, and no such account shall be paid by the State Comptroller, and no such account shall be paid by the State Treasurer until the same has been approved by the State Comptroller.

(d) It shall be the duty of each of the Appellate Courts and judicial agencies of the State annually, and within sixty (60) days after the close of the State's fiscal year, to make a sworn statement to the Governor and the Board of Control of all amounts received and/or expended by said Court and/or agency. A report from each court shall be filed annually for the calendar year with the Governor, and a copy thereof with the State Board of Control, showing the total number of cases filed in each court during the year, the number of cases transferred to and from such court, the number of cases disposed of with proper divisional classification as to the total number of cases similarly disposed of, that is, by dismissal, final judgment, reversal, affirmance and any other statistical data which may be required by the Governor or State Board of Control.

(e) Annual salaries provided for herein shall be paid in twelve (12) equal monthly installments.

(f) No funds appropriated in this Act shall be used to pay any expense of traveling outside the boundaries of the State of Texas except for returning fugitives on trips authorized by the Governor, and the actual expense of the State's Attorney when it is necessary that he appear before any court in behalf of the State of Texas, or for payment (or reimbursement for payment) of any tip or gratuity whatsoever.

Sec. 5. Each officer, agent, or employee of a court named in this Act and entitled to be paid a salary or other compensation out of any appropriation above made shall be paid by warrant issued in his or her name and specifically showing the amount of salary or sum due upon vouchers showing the services for which the payment is being made with date or dates and place or places of performance of such service.

Traveling expenses paid to all officers and employees under the terms of this bill shall be the same amount and paid under the same conditions as provided for in the General Departmental Bill.

The use of railroad scrip books and other forms of transportation provided at the expense of the State are hereby prohibited, and hereafter all railroad and other transportation shall be paid in cash, and properly listed in expense accounts rendered. Tax exemption certificates shall be used in all cases where the State is exempt from the payment of Government tax under Federal provisions.

The State Comptroller shall be governed accordingly in the issuance of warrants covering payment for railroad scrip books and other forms of transportation.

Money appropriated above for stamps or postage shall be expended only upon warrants made payable to a Postmaster and endorsed by such Postmaster or his deputy or authorized clerk except for incidental purchases of stamps made by district judges and district attorneys as provided in Article 6820.

That portion of every appropriation made herein which is unexpended at the close of the fiscal year for which the appropriation is made shall immediately revert to and become a part of the General Revenue Fund. It is hereby provided that the word "unexpended" as used in this Act means "not disbursed nor contracted to be disbursed."

Sec. 6. The Board of Control is hereby authorized to negotiate purchases of commodities and supplies of any kind, or character, whatsoever, needed by any State Agency, with the duly authorized agencies of the Federal Government; provided, however, that such item, or items, so purchased will be obtained at a price not to exceed the prevailing market value thereof, and if there be no market value, then at the real, or intrinsic, value; and it is further provided that the State board of Control is authorized to waive the requirement of bidder's bond and performance bonds otherwise required, in dealing with the duly authorized representative of the Federal Government.

Sec. 7. All officers and employees of this State and its agencies, instrumentalities, political subdivisions and municipalities having control over payments of any salary or wages to public officers or employees, are hereby authorized and required to comply with the provisions of the Federal Income Internal Revenue Act of 1942, requiring the withholding of the five per cent (5%) Federal Victory Income Tax from wages paid public officers and employees, and for withholding tax from wages paid public officers and employees as required by Public Law No. 68, 78th Congress, known as Current Tax Payment Act of 1943. Any expenses involved in complying with provisions of this rider may be paid from the appropriations herein made.

Sec. 8. All laws and parts of laws in conflict herewith are expressly suspended for the period of the biennium for which this appropriation is made.

Sec. 9. If any section, sentence, clause, or part of this Act shall, for any reason, be held to be invalid, such decision shall not affect the remaining portions of this Act, and it is hereby declared to be the intention of the Legislature to have passed each sentence, section, clause, or part thereof, irrespective of the fact that any other sentence, section, clause, or part thereof may be declared invalid.

Sec. 10. The fact that the above and foregoing is one of the regular appropriation bills to pay salaries, support, maintenance, and operation of the Judiciary and other important agencies of the State for the two (2) fiscal years beginning September 1, 1945, and ending August 31, 1947, and the crowded condition of the calendar of the two Houses of the Legislature, create an emergency and an imperative public necessity, requiring the Constitutional Rule that bills be read on three several days be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

## RECAPITULATION—JUDICIARY BUDGET

	For the Years Ending August 31, 1946      August 31, 1947	
Salaries and Maintenance:		
Court of Civil Appeals—First District, Galveston .....	\$ 29,385.00	\$ 29,385.00
Court of Civil Appeals—Second District, Fort Worth .....	29,505.00	29,385.00
Court of Civil Appeals—Third District, Austin .....	29,385.00	29,385.00
Court of Civil Appeals—Fourth District, San Antonio .....	29,385.00	29,385.00
Court of Civil Appeals—Fifth District, Dallas .....	29,385.00	29,385.00
Court of Civil Appeals—Sixth District, Texarkana .....	29,385.00	29,385.00
Court of Civil Appeals—Seventh District, Amarillo .....	29,310.00	29,310.00
Court of Civil Appeals—Eighth District, El Paso .....	29,385.00	29,385.00
Court of Civil Appeals—Ninth District, Beaumont .....	29,385.00	29,385.00
Court of Civil Appeals—Tenth District, Waco .....	29,385.00	29,385.00
Court of Civil Appeals—Eleventh District, Eastland .....	29,385.00	29,385.00
Supreme Court and Supreme Court Com- missions of Appeals .....	130,387.00	130,387.00
Court of Criminal Appeals and Commission in Aid of Court of Criminal Appeals .....	63,767.00	63,767.00
State Prosecuting Attorney Before Court of Criminal Appeals .....	9,310.00	9,310.00
Appellate Court Reports .....	5,500.00	5,500.00
Judiciary Section—Comptroller's Department ...	1,661,929.00	1,661,929.00
Increased salaries under Senate Bill No. 235, Regular Session, 49th Legislature .....	206,500.00	206,500.00
Combined Grand Totals—Judiciary ....	\$2,400,673.00	\$2,400,553.00

The report was adopted.

## Senate Concurrent Resolution 34

On motion of Senator Moore, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time: S. C. R. No. 34, Granting permission to J. I. Case Company to sue the State of Texas.

The resolution was read and was adopted.

## House Concurrent Resolution 64

On motion of Senator Aikin, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 64, Relative to having copies of the Constitution of the State of Texas printed.

The resolution was read.

On motion of Senator Aikin, the resolution was adopted.

## House Concurrent Resolution 96

On motion of Senator Metcalfe, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 96, Granting permission to O. O. Franklin to sue the State.

The resolution was read and was adopted.

(Pending consideration of the resolution, Senator Kelley occupied the Chair temporarily.)

(President in the Chair.)

**Message from the House**

Hall of the House of Representatives,

Austin, Texas,  
May 28, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

H. B. No. 843, Making an appropriation out of any moneys in the State Treasury not otherwise appropriated for the use of the Upper Red River Flood Control District.

H. B. No. 882, Amending Section 2 of Senate Bill No. 75, Acts of the Regular Session of the Forty-ninth Legislature, by striking therefrom in subsection F the words "other than feed"; and declaring an emergency.

The House has granted the request of the Senate for the appointment of a conference committee on Senate Bill No. 338. The following conferees have been appointed on the part of the House: Bell, Jno., Lucas, Senterfitt, Barber, Smith, A. B.

H. B. No. 300, A bill to be entitled "An Act to amend Sections 17 and 18 of Article 695-C of the Revised Civil Statutes of the State of Texas of the year of 1925, codification, Chapter 8, Title 20A, being the Public Welfare Act of 1941, also being House Bill No. 611, passed by the Regular Session of the 47th Legislature of the State of Texas; defining a 'dependent child'; providing a method of determining the amount of assistance to be paid to a dependent child; providing a saving clause; and providing for an anticipatory clause."

H. B. No. 383, A bill to be entitled "An Act making an appropriation for Edom Independent School District in Van Zandt County on account of the recent destruction of the school building and school facilities therein; directing the spending of said money; and declaring an emergency."

H. B. No. 627, To authorize the formation of private corporations for the purpose of acting as Executor under the last will or as Administrator of the estate of any deceased person.

H. B. No. 866, To amend Article 4741, Revised Civil Statutes of Texas of 1925.

The House has concurred in Senate amendments to House Bill No. 540 by a vote of 103 yeas and 2 nays.

The House has adopted the Conference Committee Report on House Bill No. 23 by a vote of viva voce.

The House has adopted the Conference Committee Report on House Bill No. 54 by a vote of viva voce.

S. B. No. 80, A bill to be entitled "An Act to amend Article 4359, Revised Civil Statutes, as amended by House Bill 495, Chapter 243, Acts of the Regular Session of the Forty-second Legislature, and providing that a department, court, school, or other State agency may prepare and present pay roll claims in advance of the pay roll period without verification as to services performed, and authorizing the Comptroller to issue warrants in the payment thereof in advance of the due date of said claim, and directing the Treasurer to countersign such warrants; authorizing the Comptroller to make rules and regulations for filing such pay roll claims, and writing warrants in connection therewith, and declaring an emergency."

S. B. No. 77, A bill to be entitled "An Act declaring the floods of Colorado County, Fayette County and Jackson County, Texas to be a public calamity; authorizing a donation and grant to Jackson County Flood Control District of one-half (1/2) of the ad valorem taxes collected in Jackson County; authorizing a donation and grant to Fayette County Flood Control District of one-half (1/2) the State ad valorem taxes collected in Fayette County; authorizing a donation and grant to Colorado County Flood Control District of one-half (1/2) of the State ad valorem taxes collected in Colorado County; providing that such taxes donated to shall be used for flood control improvement and maintenance purposes; specifying the reports thereon to be made by the Assessor and Collector of Texas; authorizing

the issuance of bonds secured by the pledge of funds donated and granted by the State; describing the manner of issuance thereof; providing that this act shall be severable; repealing all laws in conflict; and declaring an emergency."

Respectfully submitted,  
CLARENCE JONES,  
Chief Clerk, House of Representatives

#### Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Austin, Texas,  
May 29, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred H. B. No. 866, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

GRAVES, Chairman.

Austin, Texas,  
May 29, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred H. B. No. 879, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

MOFFETT, Chairman.

Austin, Texas,  
May 29, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Game, and Fish, to whom was referred H. B. No. 407, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

Austin, Texas,  
May 29, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 842, have had same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass and be not printed.

CARNEY, Chairman.

Austin, Texas,  
May 29, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred H. B. No. 880, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CHADICK, Chairman.

#### Senate Bill 268 With House Amendments

Senator Stone called S. B. No. 268 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Stone moved that the Senate do not concur in the House amendments and that a conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President announced the appointment of the following conferees on the bill on the part of the Senate: Senators Stone, Knight, Moore, Shivers and Sulak.

#### House Joint Resolution 49 on Third Reading

Senator Shivers moved that the regular order of business be suspended and that House Joint Resolution No. 49 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—21

Brown	Lanning
Bullock	Martin
Carney	Moffett
Crawford	Moore
Hazlewood	Parrish
Kelley	Ramsey
Knight	Shivers
Lane	Stanford

Stone  
Sulak  
Taylor

Weinert  
Winfield

Nays—8

Aikin  
Chadick  
Graves  
Jones

Metcalfe  
Morris  
Spears  
Vick

Absent

York

Absent—Excused

Mauritz

The President then laid before the Senate, on its third reading and final passage:

H. J. R. No. 49, Proposing an amendment to Article VII of the Constitution of the State of Texas, by adding thereto a new section to be known as "Section 7-a" providing that all road-user tax revenues shall be used exclusively for constructing, maintaining, policing public roads and administering the laws pertaining to the use and user of such roads as prescribed by the Legislature; for the retirement of county or road district bonds and warrants for road building purposes eligible for such debt service prior to January 2, 1945; providing the present allocation shall apply only to the first Four (4c) Cents per gallon tax levied on motor fuel, and no additional taxes shall ever be used in the assumption of bonds or warrants; providing nothing herein shall prevent the refunding of taxes collected on motor fuel used for non-highway purposes; excepting one-fourth ( $\frac{1}{4}$ ) of the net revenue from motor fuel taxes allocated to the State Available School Fund; providing for election.

The resolution was read third time.

(Pending consideration of the resolution the President pro tempore occupied the Chair temporarily.)

(President in the Chair.)

Senator Spears offered the following amendment to the resolution:

Amend H. J. R. No. 49 by adding a new section reading as follows:

Provided further that the Legislature shall make an allocation of registration fees to the State High-

way Fund, and to the several counties as is now provided by law and provided further that the percentages to the Highway Department and to the counties shall never be less than they are at the time of the adoption of this amendment.

The amendment was adopted by the following vote:

Yeas—29

Aikin	Moore
Brown	Morris
Bullock	Parrish
Carney	Ramsey
Chadick	Shivers
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Kelley	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Metcalfe	York
Moffett	

Absent

Knight

Absent—Excused

Mauritz

House Joint Resolution No. 49 then was passed by the following vote:

Yeas—21

Brown	Ramsey
Bullock	Shivers
Carney	Spears
Crawford	Stanford
Hazlewood	Stone
Kelley	Sulak
Lane	Taylor
Lanning	Weinert
Martin	Winfield
Moore	York
Parrish	

Nays—8

Aikin	Metcalfe
Chadick	Moffett
Graves	Morris
Jones	Vick

Absent

Knight

Absent—Excused

Mauritz

**Verification of Vote**

Senator Aikin called for a verification of the vote.

The President directed the Secretary to call the rolls of those recorded as voting "yea," of those recorded as voting "nay" and those recorded as "absent" or "absent—excused."

The rolls were called, and found correct as first announced.

**Bills and Resolution Signed**

The President signed in the presence of the Senate, after giving due notice thereof, the following bills and resolution:

S. B. No. 235, "An Act providing for and fixing the salaries of the Justices of the Supreme Court, the Judges of the Court of Criminal Appeals, the Judges of the Supreme Court Commission of Appeals, and the Judges of the Commission in Aid of the Court of Criminal Appeals, the Justices of the Courts of Civil Appeals, and the Judges of the District Courts and of the Criminal District Courts of the State of Texas; repealing all laws in conflict with this Act; and declaring an emergency."

S. B. No. 239, "An Act amending Article 5520, Revised Civil Statutes of Texas, 1925, as amended by Acts of 42nd Legislature, Chapter 136, page 230, providing that all actions for recovery of real estate by virtue of superior title retentions and for the foreclosure of vendor's Deed of Trust, Mortgage, Voluntary Mechanic's or Materialmen's Liens be instituted and powers of sale in mortgages and Deed of Trust be exercised within four (4) years after the maturity date of the debt secured; etc., and declaring an emergency."

S. B. No. 103, Validating all consolidations, groupings, and annexations of school districts; and declaring an emergency.

S. C. R. No. 35, Suspending the Joint Rules so as to permit the Senate to consider S. B. No. 311 on Thursday, May 24, 1945.

**House Bills on First Reading**

The following House bills received from the House today, were laid be-

fore the Senate, read first time, and referred to the committee indicated:

H. B. No. 882, to Committee on Stock and Stock Raising.

H. B. No. 843, to Committee on Finance.

H. B. No. 300, to Committee on Finance.

H. B. No. 383, to Committee on Finance.

H. B. No. 627, to Committee on Civil Jurisprudence.

H. B. No. 866, to Committee on Insurance.

**Report of Conference Committee on Senate Bill 167**

Senator Lanning submitted the following conference committee report on Senate Bill No. 167:

Hon. John Lee Smith, President of the Senate.

Hon. Claud Gilmer, Speaker of the House of Representatives.

Sirs: We, the members of your conference committee appointed to adjust the differences between the Senate and the House of Representatives on Senate Bill No. 167, have met and had same under consideration and recommend that Senate Bill No. 167 be passed in the form attached hereto.

LANNING  
METCALFE  
MORRIS  
AIKIN  
MARTIN

On the part of the Senate.

MORGAN  
PROFFER  
McLELLAN  
CALLAWAY  
LANSBERRY

On the part of the House.

S. B. No. 167.

**A BILL**

To be Entitled Equalization Aid Bill  
An Act providing for a more efficient public school system in Texas; providing for the equalization of funds; making an appropriation of Fourteen Million Dollars (\$14,000,000.00) for each year of the biennium ending August 31, 1947; allocating the



funds so appropriated; providing for the administration thereof by the State Superintendent of Public Instruction, the Legislative Accountant, the Department of Education, the Director of Equalization; creating a Joint Legislative Committee; defining its powers and duties; providing for the appointment of a Legislative Accountant and providing for his powers and duties; providing that in the event the Joint Legislative Committee fails or refuses to perform duties herein imposed, same shall be performed by the State Board of Education; defining what schools and school districts may receive aid with certain exceptions thereto; providing for a system of transporting scholastics to and from schools under certain conditions and limitations with reasonable exceptions thereto; providing for the method and manner of paying therefor; providing for the payment of high school tuition and designating who and what schools may receive same with certain exceptions and limitations; providing for application for aid; providing for the duties of County Boards of Trustees, County Superintendents and Boards of Trustees; providing for the function of Deputy State Superintendents; providing for the scholastic population of school districts; providing for the levy of a tax; providing for salary aid; providing for salary schedule and length of time; providing for high school tuition aid; providing for transportation aid; providing for the transfer under certain circumstances of a school's scholastic enrollment for one year to an accredited school of higher rank; providing for disbursement; providing how counties with no governing school board may function in order to receive aid under this Act; providing for allowances to school districts suffering loss sustained by reason of the location in said districts of Federal owned lands or University owned lands; providing for penalties for violation of this Act; providing for the repeal of all laws in conflict with this Act; and containing a saving clause; and declaring an emergency.

Be it Enacted by the Legislature of the State of Texas:

Article I. Eligibility For Aid

Section 1. Scholastic Population of the District. State aid under the provisions of this Act shall be distributed in such a way as to assist all school districts which have not fewer than twenty (20) nor more than twelve hundred and fifty (1250) original enumerated scholastics within the grades classified to be taught remaining in the district after transfers out, and consolidated and/or rural high school districts which have an average of not more than two hundred (200) scholastics of each original district composing the consolidated and/or rural high school district unit; provided that the maximum limitations as to scholastic population for eligibility herein set forth shall not apply for any type of aid to any school district which is nine (9) miles or more in length or contains forty-eight (48) square miles of territory or more, provided there is not located in such district an incorporated city or town having a population of more than thirty-six hundred (3600) inhabitants, according to the last preceding Federal Census; provided further, that the maximum limitations as to the scholastic population for eligibility, herein set forth, shall not apply to any school district which has forty-five percent (45%) or more of its area submerged. Districts maintaining a school at home and having less than an average of one enumerated scholastic per square mile are exempt from said minimum scholastic requirement and are eligible for aid for only one teacher unless a geographical barrier necessitates the operation of two schools for the same race in said district, such geographical barrier to be determined by the State Department of Education and subject to the approval of the Legislative Accountant. If they can show budgetary need therefor, all other districts having less than said minimum scholastic requirement shall be eligible for only tuition and transportation aid to the nearest accredited school on enumerated scholastics whose grades are not taught in such district.

Provided further that the maximum limitations as to scholastic population for eligibility herein set forth shall not apply for transportation aid to any school district, which assesses and collects a minimum of One Dollar and Fifty Cents (\$1.50) tax on each One Hundred Dollar (\$100) valuation, and can show transportation budgetary need therefor.

Provided that school districts in

counties having a scholastic population equivalent to one-half of one pupil per square mile or less in the entire county may be exempt from the average daily attendance requirement and the teacher-pupil quota requirement of this Act, if it is so recommended by the State Superintendent of Public Instruction and the Legislative Accountant, for the purpose of maintaining a high school of sixteen affiliated units, with seven teachers; but in no instance may the cost to the equalization fund exceed Twenty-five Dollars (\$25) per pupil in such district.

No school district will be eligible for any type of aid under the provisions of this Act which pays any salary above those specified in this Act from any State, local, or Federal funds whatsoever except Federal funds used to supplement salaries of Vocational, Home Economics and Trades and Industries teachers.

**Sec. 2. Tax Levy.** No school district shall be eligible to receive any type of aid authorized under the provisions of this Act unless it shall be providing for the annual support of its schools by voting, levying and collecting for the current school year a local maintenance school tax of not less than fifty cents (50c) on the one hundred dollars of property valuation in the entire district. The property valuation shall not be less than said property is valued for State and county purposes. The income from such a maintenance tax in excess of the required fifty cents (50c) maintenance tax must first be used to retire indebtedness, if any, in the local and Equalization (Rural Aid) school funds. After the indebtedness in these funds, if any, has been retired the income from this maintenance tax in excess of the required fifty cents (50c) maintenance tax may be used at the discretion of the local school authorities of the district for any lawful school purpose except increasing or supplementing any teachers' or administrative salaries. Any or all maintenance tax above fifty cents (50c) may not be included in the calculation of need for aid but shall be reported in the budget. If the income from the maintenance tax above fifty cents (50c) is not spent as prescribed herein, it shall be included as receipts in the budget. In order to comply with the terms of this section, it shall be necessary for such school districts applying for any type of aid authorized under the terms of this Act, to report

all valuations within such districts, including all consolidated districts and annexed districts, and failure to report all such valuations shall prevent such district from receiving any type of aid authorized under this Act.

No school district will be eligible for aid under the provisions of this Act which has reduced its tax rate within the two years immediately preceding the year for which aid is applied for hereunder or which has reduced its tax valuation in order to show budgetary need.

Provided that the tax provisions and other inhibitions provided in said Act shall not apply to the school where the Alabama Indians attended school in Polk County, Texas.

**Sec. 3. Distance between schools.** No aid shall be granted to any school under the provisions of this Act which is located within two and one-half (2½) miles of another school of the same race, unless on account of the conditions of the roads and other physical features, it is unreasonable and impracticable for the pupils to attend another school; provided that this restriction shall not apply to elementary schools in a consolidated and/or rural high school district, nor to any district which at some previous election has voted to remove such conditions by consolidation, nor to any school district that has received State aid for the preceding five (5) years when need is shown as provided in this Act, nor to any district whose school building is two and one-half (2½) miles or more from the nearest accredited high school building; provided a school district in which a military installation of any kind cuts off a part of its territory and makes it impracticable for the residents of such portion of the district to reach the school of that district, then such district may receive aid in such an amount as will pay the tuition of the students in said portion in such elementary or high school as they may attend; the tuition rate per student shall not exceed the rate fixed in Section 1, Article IV of this Act.

**Sec. 4. Average Daily Attendance.** No school shall be granted salary aid under the provisions of this Act whose average daily attendance is less than sixty-five (65) per cent of the scholastic census enrollment for either white or colored school. However, salary aid may be granted to any school whose average daily at-

tendance is sixty-five per cent or more of the scholastics necessary for the teachers actually employed. Sixty-five (65) per cent average daily attendance shall be based for the entire school term or, at the election of the school and with the approval of the Legislative Accountant, may be based upon the first four months thereof. The provisions of this Section shall not apply to any school where there is any kind of epidemic of sickness that has resulted in a quarantine but such exemption may be allowed only with the approval of the State Department of Education and of the Legislative Accountant, and when the facts are determined and certified to by the County or State Health Officer residing in the area affected. Provided, however, that school districts having parochial schools within their boundaries shall first deduct the number of children actually attending the parochial school, who are residents of the district, before arriving at the average daily attendance as provided in this Section.

Section 5. The term "budgetary need" as used in this Act, is defined as the difference between the total of all revenues of the district and the total of all operating expenses if such expenses are greater than the revenues. The revenues of the district shall include: (1) State and county available, local maintenance, and state aid balances brought forward from the preceding year; (2) State and county available and local maintenance receipts derived from a local maintenance tax of fifty cents (50c) on the one hundred (\$100.00) dollar valuation for the current year; (3) tuition to be collected locally and (4) all miscellaneous receipts. The operating expenses of the district shall include: (1) Salaries of teachers and administrators according to the schedule of allowances for same as provided in Article III of this Act; (2) Operating expenses according to the schedule of allowances for same as provided in Article II of this Act.

Section 6. No adjustments of transfers or census changes made after November 1st of the current school year shall be recognized in making grants of any type of aid under the provisions of this Act.

## Article II. The Application for State Aid

### Section 1. The trustees of the dis-

tricts authorized to apply for aid under the provisions of this Act shall send to the State Superintendent of Public Instruction on forms provided by said authority, which forms have been approved by the Legislative Accountant, all information that may be required. Said forms will include a budget by which the amount of Salary Aid to which a school will be eligible shall be determined. The receipts as shown in said budget will include the State and County Available and local maintenance balances brought forward from the preceding year, State and County Available and Local Maintenance receipts for the current year, tuition to be collected locally, and miscellaneous receipts. The expenditure will include salaries of teachers as determined by the salary schedule stated herein, and a maximum of Two Hundred Ten Dollars (\$210) per teacher per year in accredited schools and One Hundred Ninety Dollars (\$190) per teacher per year in unaccredited schools for other current expenses; provided that if for either year of the biennium the Salary Aid Allocation shall be insufficient to guarantee the said Two Hundred Ten Dollars (\$210) and One Hundred Ninety Dollars (\$190) for current operating expenses, the State Superintendent, with the approval of the Legislative Accountant, is empowered to reduce all grants for that purpose proportionately. The total amount of approved expenditures less the total amount of receipts will be the amount of Salary Aid to which a school will be eligible; provided in no case will such amount exceed the approved amount of teachers' salaries. The State Superintendent shall, subject to the provisions of this Act, upon approval of the Legislative Accountant grant to the school an amount of aid as will, with State and County Available Funds, together with all other funds including tuition, maintain the school for such a period and in such a manner as authorized in this Act; provided that school districts qualifying for salary aid under the provisions of this Act may use this aid either to maintain a school in the home district or to provide school facilities for the bona fide scholastics of the districts in some other school of higher rank. The application shall be sworn to by the county superintendent of all Common School Districts and president and

secretary of the board of trustees of all Independent School Districts applying for aid. School districts accepting aid under the provisions of this Act shall share in the distribution of State and County Available School Funds and in all other funds as herein may be provided.

**Section 2. Filing Date.** All applications for any type of aid authorized herein, except tuition aid, shall be on file with the State Department of Education and a copy with the Legislative Accountant in Austin not later than October 1st of each scholastic year for which aid is asked. The grant of salary for superintendent and/or principal of any school whose application is filed later than October 1st of each year shall be reduced to the extent of one month's salary and no application shall be considered for any type of aid filed after December 1st.

### Article III. Salary Aid

**Section 1. Teacher-Pupil Quota.** State aid under provisions of this Act shall be allotted upon the basis of one teacher for any number of scholastics from twenty (20) to thirty-five (35) and (1) additional teacher for each additional thirty (30) scholastics, or fractional part thereof residing in the district. It is expressly provided that in the event scholastics are transferred into the district the excess fractional part thereof shall not be less than two (2) scholastics. The basis for calculation shall be the net scholastic enumeration of white or colored race, as the case may be, including the transfers into the district, provided such transfers are from districts eligible to receive aid under Article I of this Act for the current year, and excluding the transfers out of the district; and there shall be deducted all scholastics who have completed the course of study in their home school, as classified by the county board of trustees, those whose grades are taught within the district from which they are transferred, unless such scholastics maintain an average daily attendance of sixty-five (65) per cent in the district to which they are transferred, and all scholastics enrolled in or attending parochial schools in the district. Where unusual or extraordinary conditions cause an actual increase in enrollment so that the average daily attendance of a school reaches a point in excess of the net scholastics re-

maining in the district after transfer, an adjustment for the remainder of the school year as to the number of teachers may be made by the State Superintendent, and on approval of the Legislative Accountant in which case said average daily attendance becomes the basis for the teacher-pupil quota.

**Section 2. Salary Schedule and Length of Term.** The base pay for classroom teachers in unaccredited schools shall be One Hundred and Thirty-five Dollars (\$135.00) per month for eight (8) months. The base pay for classroom teachers in accredited schools shall be One Hundred and Thirty-five Dollars (\$135.00) per month for nine (9) months. The base pay for Home Economics teachers shall be One Hundred and Thirty-five Dollars (\$135.00) per month for ten (10) months. The base pay for Vocational Agriculture teachers, and Trades and Industries teachers shall be One Hundred Seventeen Dollars and Fifty Cents (\$117.50) per month for twelve (12) months. Three Dollars (\$3.00) per month shall be added for each year of college credit over one year not to exceed Fifteen Dollars (\$15.00). One Dollar and Fifty Cents (\$1.50) per month shall be added for each year of teaching experience; provided such amount added for experience shall not exceed Fifteen Dollars (\$15.00) per month.

**Administrative Salaries.** Additional allowances for teachers serving as principals in unaccredited schools shall be Five Dollars (\$5) per month per teacher but in no instance to exceed Forty Dollars (\$40) per month. Allowances for high school principals shall be Twelve Dollars (\$12) per month in schools with nine (9) to eleven (11) teachers; twelve (12) to nineteen (19) teachers, Thirty Dollars (\$30); twenty (20) to twenty-nine (29) teachers, Thirty-five Dollars (\$35) per month; thirty (30) or more teachers, Forty Dollars (\$40) per month. Salaries for high school principals shall be paid for ten (10) months. Superintendents in schools having five (5) teachers shall receive an additional allowance of Forty-five Dollars (\$45) per month; six (6) to seven (7) teachers, Fifty Dollars (\$50) per month; eight (8) to eleven (11) teachers, Fifty-five Dollars per month; twelve (12) to nineteen teachers, Seventy Dollars (\$70) per month; twenty (20) to twenty-nine (29)

teachers, Eighty Dollars (\$80) per month; thirty or more teachers, Eighty-five Dollars (\$85) per month. Salaries of superintendents shall be paid for twelve (12) months. No school with less than nine (9) teachers can have both principal and superintendent. Principals of accredited schools shall receive Six Dollars (\$6) per month per teacher not to exceed Fifty-four Dollars (\$54) per month. Elementary and Junior High principals shall receive additional allowance of Two Dollars and Fifty Cents (\$2.50) per month for each elementary teacher other than principal, each in separate building or who devote at least Fifty percent (50%) of their time to supervision, in which case this increase shall be allowed without regard to the location of the elementary or Junior High building.

The annual salary of teachers in accredited schools shall be the monthly salary multiplied by nine (9). The annual salary of teachers in unaccredited schools shall be the monthly salary multiplied by eight (8). The annual salary of superintendents of accredited schools with eight (8) or more recognized affiliated credits and entitled to five teachers or more under Section 1 of this Article, Vocational Agriculture teachers, and Trades and Industries teachers shall be the monthly salary as determined by schedule stated herein multiplied by twelve (12). The annual salary of Home Economics teachers shall be the monthly salary as determined by said schedule multiplied by ten (10). All such authorized salaries may be paid in twelve (12) equal payments, which shall not exceed the contract or the salary schedule beginning with September 1st of each year. Salaries of superintendents and Vocational teachers may begin on July 1st rather than September 1st. All schools of the accredited class receiving aid shall provide a term of approximately nine (9) months, and schools of the unaccredited class receiving aid shall provide a term of approximately eight (8) months. An accredited school is one teaching either the elementary grades, the elementary grades plus two (2) years of high school, or the elementary grades and four (4) years of high school and recognized by the State Department of Education as doing standard work.

#### Article IV. Tuition Aid

##### Section 1. It is hereby expressly

provided that a sufficient amount of funds allocated by this Act shall be used for the payment of tuition not to exceed Nine Dollars (\$9.00) for high school pupils and Five Dollars (\$5.00) for grade school pupils per month, and in no instance shall more than five (5) months tuition be paid for any one pupil on the census roll for any one school year. School tuition shall be paid according to the provisions of House Bill No. 168, General Laws, Regular Session, Forty-fourth Legislature, as amended, and subject to the limitations, changes, and restrictions provided in this Act. In the event a receiving school has its budget balanced with salary aid, there shall be deducted from the salary aid grant of such school any amount of tuition collected from sending district, and all such collections shall be included in the revenue section of the State Aid application. Such revenues shall include the total tuition received for the preceding school year by such school districts. In no event shall any salary aid school receive tuition aid in any amount which, together with the salary aid granted, exceeds the budgetary need as indicated by the approved state aid applications. Receiving schools refusing to accept such approved rate as the maximum amount to be charged shall not be eligible to receive tuition aid funds. It is further provided that tuition aid as above set out shall be granted for pupils attending from an orphans' home in the district or transferred into a district from an orphans' home or from either of the State Training Schools, or pupils attending, who are the children of employees of any eleemosynary institution of this State, or for any or all of such children transferred into a district from any eleemosynary institution.

Section 2. Application for Tuition Aid. It shall be the duty of the county superintendent to receive and check all tuition applications to determine the following facts: age of pupil, the district in which he was enumerated, the district in which he lives, the district in which he attends school, the grade in which the pupil is classified in the receiving district, the highest grade taught in the home district of the pupil, and the amount of time the pupil was in actual attendance at the receiving school. When such application has been reviewed and checked as herein provided, same

shall be properly sworn to by said county superintendent, the president and/or secretary of the school board of the sending district of the pupil, and the superintendent of the receiving school, before said application is transmitted to the Director of Equalization at Austin, Texas, for his rejection, modification, or approval, which shall be subject to the approval of the Legislative Accountant, and no such application shall be considered by the Director of Equalization unless same has been duly deposited with him at Austin, Texas, within sixty (60) days after his request for same, and in no instance later than June 1, of the current school year.

#### Article V. Transportation Aid

The County Superintendent and County School Boards of the several counties of this State subject to the approval of the State Superintendent of Public Instruction, are hereby authorized to annually set up the most economical system of transportation possible for the purpose of transporting both grade and high school pupils from their districts, and within their districts. The county shall be regarded as the unit and the warrant made payable to the County Board Transportation Fund, on the total transportation earned within the county not to exceed the total approved cost thereof and the County Board of Education shall distribute the funds equitably to the districts operating such transportation system not to exceed the actual approved cost of any one (1) bus so operated. The expenses of such transportation shall be paid on the basis of budgetary need as indicated by approved State aid application, out of the funds herein allocated and appropriated for transportation aid, not to exceed Three Dollars (\$3) per month per pupil for high school pupils and Two Dollars Seventy-Five Cents (\$2.75) per month per pupil for elementary school pupils for those attending the most convenient accredited school; provided that if there be no convenient accredited school that such pupil may obtain like aid under the provisions of this Article when attending any near school of higher classification than the sending district, when designated by the County Board on the basis of Three Dollars (\$3) per month per pupil for high school pupils and Two Dollars and Seventy-five

Cents (\$2.75) per month per pupil for elementary school pupils who reside two and one half ( $2\frac{1}{2}$ ) miles or more from the nearest school in such district; provided further that all school districts containing one hundred (100) square miles of territory or more or have less than one (1) enumerated scholastic per square mile may receive Three Dollars and Twenty-five Cents (\$3.25) per month per pupil; provided further that all counties having less than three (3) enumerated scholastics per square mile in the entire county shall receive Three Dollars and Fifty Cents (\$3.50) per month per pupil as transportation aid when there is a need shown therefor as provided herein.

In no instance may aid be granted for pupils transported who attend a grade in another school which grade is taught in such pupil's home district. No transportation aid shall be granted for a pupil being transported out of his home school district if two or more receiving schools are applying for transportation aid from such pupil's home district unless the bus routes through such district have been approved by the State Department of Education and confirmed by the Legislative Accountant. Aid shall not be granted under any provisions of this Article unless the pupil so transported actually resides more than two and one-half ( $2\frac{1}{2}$ ) miles from the school attended and is transported in an approved bus over an approved route. Provided that the County Superintendent shall locate a point on each bus route two and one-half ( $2\frac{1}{2}$ ) miles from the receiving school and after each such point is established he shall personally determine whether the school is requesting transportation aid on any pupil residing within the two and one-half ( $2\frac{1}{2}$ ) mile limit. No transportation aid shall be allowed on pupils living within the said two and one-half ( $2\frac{1}{2}$ ) mile limit and any district requesting aid on such pupil shall become ineligible for transportation aid on each bus transporting such pupils; provided however, all school districts conforming to County Unit System of Transportation and receiving no other type of aid, either tuition or salary, and comprising three or more consolidated districts containing fifty (50) square miles or more of territory may receive transportation aid only on a transportation budget showing need therefor on the basis and at the rate provided in this Act.



County Boards of Trustees are hereby authorized to employ bus drivers for one year and the salary of no bus driver may be paid out of the County Board Transportation Fund created herein unless such bus driver is so employed. Provided further, that only pupils or persons directly connected with the school system shall be transported on school buses while in the process of transporting pupils to and from the school and any bus driver violating the foregoing provisions shall forfeit his contract and shall be immediately discharged by the County Board of Trustees. However, subject to the provisions herein, bus drivers who own their own buses and are so employed may be given a contract for not to exceed two (2) years conditioned that said bus drivers agree to make improvements on their buses, so as to more adequately insure safer transportation for the scholastics, and the route of such bus is not changed for the second year of contract.

#### Article VI. Duties of the State Superintendent of Public Instruction

It shall be the duty of the State Superintendent of Public Instruction, and the Legislative Accountant, to take such action and to make such rules and regulations not inconsistent with the terms of this Act as may be necessary to carry out the provisions and intentions of this Act, and for the best interest of the schools for whose benefit the funds are appropriated. It shall be the duty of the State Superintendent of Public Instruction to appoint the number of Deputy State Superintendents hereinafter authorized to make a thorough investigation, in person, of the teaching staff, and financial condition of each school applying for aid through the Superintendent's office and the depository banks; and no aid shall be given unless it can be shown that all provisions of this Act have been complied with and that such amount of aid actually needed as shown by the approved budget and actual expenditures and that the funds are being used as approved. The State Superintendent of Public Instruction shall employ twelve (12) Deputy State Superintendents and such other employees as may be authorized in the Departmental Appropriation Bill for the biennium ending August 31, 1945, and shall pay such salaries as

are therein authorized and expend such other monies as therein permitted out of the appropriation as shown for the Equalization Division of the Department of Education as herein provided and allocated, and such deputies and other employees shall be used exclusively for the administration and supervision of this Act. In order to carry out and expedite the provisions of this Act, each of the twelve (12) Deputy State Superintendents authorized to be appointed herein, shall reside in the respective supervisory districts twelve (12) months in the year, except when out of the district on authorized vacation or on official business. The salaries and traveling expenses and other contingent expenses of the herein authorized employees are hereby appropriated. All of the appropriation for the administration of this Act shall be used exclusively by the Equalization Division and none of the appropriation for travel and contingent expense shall be used except by the Director of Equalization, the Executive Secretary and the regularly employed Deputy State Superintendents. In the event the appropriations and allocations of aid made herein are insufficient to pay the total of all applications showing need, the State Superintendent and the Director of Equalization shall reduce all applications pro rata so as to bring the aggregate of all applications approved within the appropriations and all allocations herein made, and in order to accomplish this, said director shall reduce the authorized expenditures of all schools applying for Salary Aid pro rate; shall lower the tuition rate of all schools applying for Tuition pro rate; and decrease the Transportation Aid of each scholastic transported pro rate, so as to bring the total Salary Aid, Tuition Aid and Transportation Aid within the allocations herein set forth. Appeals from the decision of the State Superintendent shall be made to the State Board of Education.

#### Article VII. Function of the Deputy State Superintendents

The Deputy State Superintendents authorized under the provisions of this Act are hereby directed to make such inspections as are required in Article VI, which inspections shall be completed and reports made to the Director of Equalization not later than January 31st of each scholastic year. Such Deputy State Superintendent

shall advise with school officials concerning proper budgeting of their school funds and assist the districts in making their applications for aid, and each Deputy State Superintendent shall spend not less than two (2) days in the County Superintendent's office of each county in his supervisory district. During the second semester of the year the Deputy State Superintendent shall check to ascertain whether the standards are being maintained and the funds used as approved. All schools affected either directly or indirectly by this Act desiring to become accredited or affiliated by the State Department of Education shall make application upon a form to be furnished by the State Department of Education to the Deputy State Superintendent in whose district the school is located. The Deputy State Superintendent shall make his recommendation to the State Superintendent of Public Instruction who shall approve or reject said application.

#### Article VIII. Transfer of the Entire District by Contract

Upon the agreement of the board of trustees of the districts concerned or on petition signed by a majority of the qualified voters of the district and subject to the approval of the county superintendent, and the State Superintendent, a district which may be unable to maintain a satisfactory school may transfer its entire scholastic enrollment of the entire district, or one or more schools of the district, for one year to a school of higher rank. If the receiving school receives State aid, the scholastic census rolls both white and colored shall be combined, the per capita apportioned shall be paid direct to the receiving school, all local taxes of the sending contracting district, except those going to the interest and sinking fund shall be credited to the receiving school by the tax collector as collected, and the teacher-pupil quota shall be based on the combined census total. If the receiving school is not a State aid school, the scholastic census rolls both white and colored shall be combined, the per capita apportionment shall be paid direct to the receiving school, all local taxes of the sending contracting district except those going to the interest and sinking fund shall be credited to the receiving school by the tax collector as collected, and the sending contracting district will be

eligible for as much salary aid as is necessary to supplement the State Available and Local Maintenance funds, on the scholastics from the sending district attending a school in the receiving district, to cover the approved cost of instruction per scholastic in the receiving school, provided that such approved cost shall not exceed Nine Dollars (\$9.00) per month for five (5) months for high school students or Five Dollars (\$5.00) per month for five (5) months for elementary students.

#### Article IX. Disbursements

Section 1. Warrants for all money granted under the provisions of this Act shall be approved and transmitted by the State Superintendent of Public Instruction to treasurers of depositories of school districts to which aid is granted in the same manner as warrants for State apportionments are now transmitted. Initial payment of not more than fifty per cent (50%) of salary aid, tuition aid, and transportation aid may be made by the State Superintendent of Public Instruction after September 1 of each year of the biennium as soon as a basis for payment can be determined, and approved by the Legislative Accountant. Final payment by warrant of the total amount allotted to any one school shall then be made not later than June 1, or as early as possible thereafter after the approval and upon the order of the State Superintendent of Public Instruction and the Legislative Accountant. Such final payments shall be made on a percentage basis so that each school approved for aid will receive the same proportion of aid.

Section 2. It shall be the duty of all treasurers of depositories to make annual itemized reports under oath to the State Superintendent of Public Instruction of the expenditures of all money granted under the provisions of this Act as herein directed not later than the succeeding October 1st. Districts receiving aid under the provisions of this Act shall issue warrants for not to exceed the amount approved in the budget and for the exact purpose as approved. All warrants issued against a fund shall be numbered and paid by the depository in the order issued.

Section 3. Any school which has received any payments of State funds in excess of the amount to which it was legally entitled shall be ineligible



for any type of aid under the provisions of this Act unless and until the amount of excess payment has been refunded to the State Treasury.

#### Article X. Counties Having No Governing School Board

In counties which constitute a single school district and in which there is no governing body designated as the county school board the duties authorized in this Act to be performed by the county school board are hereby conferred upon the existing governing bodies of such districts and all aid shall be granted on the basis of need after proper budgeting, the same as herein provided.

#### Article XI. Federal Government Land Purchased and University Lands

The State Superintendent shall take into consideration in fixing allowances to school districts applying for aid, any loss sustained by such districts by reason of the location in said districts of Federal owned lands or University owned lands. It is expressly understood that any revenue received by said school districts by virtue of this Article must be included as revenue in the budget before calculating a budgetary need for such schools applying for aid.

#### Article XII. Joint Legislative Committee

Section 1. There is hereby created a Joint Legislative Committee composed of five (5) members of the Senate, appointed by the President of the Senate, and (5) members of the House of Representatives, appointed by the Speaker of the House of Representatives, a majority of which shall constitute a quorum for the purpose of discharging any duty imposed upon said committee. Said committee shall promptly organize and select from its membership a chairman, a vice chairman and a secretary, shall vote as a unit on all propositions coming before it for consideration and shall keep a permanent record of its proceedings. The members of said committee shall receive no compensation for the services performed under the provisions of this Act, but each shall receive his actual and necessary expenses incurred in the discharge of his duties as such member.

Section 2. Within thirty (30) days after the appointment of this commit-

tee, it shall meet and appoint a Legislative Accountant to perform the duties set forth in this Act. Said Legislative Accountant shall be appointed and hold office for a period of two (2) years or until his successor is appointed and qualifies. The Joint Legislative Committee, or a majority of the membership thereof, shall execute a written appointment of the person so appointed, as such Legislative Accountant, and cause the same to be filed in the office of the Secretary of State. All vacancies in the office of the Legislative Accountant shall be filled by the committee or a majority of the membership thereof.

Section 3. The person appointed Legislative Accountant shall be experienced in matters affecting school administration and finances, and who holds a degree from some recognized college or university. He shall have been a resident of Texas for at least five (5) years immediately preceding his appointment. He shall qualify within ten (10) days after his appointment by taking the Constitutional Oath of Office and executing a bond to be approved by the appointing power, payable to the Governor of the State of Texas or his successor in office, in the sum of Ten Thousand Dollars (\$10,000.00) conditioned upon the faithful discharge of the duties of his office, with a solvent surety company as surety. The premium to the surety company for the execution of such bond shall be paid by the State.

Section 4. In addition to the other duties conferred upon the Legislative Accountant by this Act, it shall be his duty to audit all applications for aid, after same have been passed on by the State Department of Education, and when such application has been approved by said Department, it shall then be the duty of the Legislative Accountant to approve, or reject such application as the provisions of this Act may require. The Legislative Accountant shall have access at all times to all of the books, accounts, reports and other records of the State Department of Education pertaining to the administration and enforcement of this law, and also shall have access to the records of all school and bank depositories thereof.

Section 5. Immediately after the close of each fiscal year it shall be the duty of the Legislative Accountant to make a detailed report of his work

to the Joint Legislative Committee. The Joint Legislative Committee shall consider such report and make recommendations based thereon to the next regular session of the Legislature thereafter. Said Committee is also directed to study the school laws in order that same said laws may be recodified and make recommendations thereon to the next Legislature.

Section 6. The Legislative Accountant may employ such clerical assistance and other personnel and purchase necessary office supplies and equipment as he may need within the limits of the appropriations made herein for such purpose. The rates of pay for the employees of the Legislative Accountant shall conform to those set forth in the Departmental Appropriation Bill for similar positions.

Section 7. Should for any reason the Joint Legislative Committee fail or refuse to perform the duties herein imposed upon it, or should the duties, powers, and functions of said Joint Legislative Committee become inactive or unenforceable, then, and in that event, such duties as are herein imposed on said Joint Legislative Committee shall be performed by the State Board of Education the same as if said Committee had not been created or authorized.

#### Article XIII. Appropriation and Allocation

Section 1. Appropriation. For the purpose of promoting the equalization of education opportunities afforded by the State of Texas to all enumerated scholastics within the State as herein provided, and for the purpose hereinabove set out, there is hereby appropriated out of the General Revenue Fund of the State of Texas, not otherwise appropriated, the sum of Fourteen Million (\$14,000,000.00) Dollars for the school year ending August 31, 1946, and Fourteen Million (\$14,000,000.00) Dollars for the school year ending August 31, 1947, or so much thereof as may be necessary for the biennium ending August 31, 1947, to be allocated and expended under the provisions of this Act by the State Department of Education and under the supervision of the Legislative Accountant.

Section 2. Allocation. It is hereby specifically provided that out of the money appropriated for each school

year of the biennium the sum of Eight Million Fifteen Thousand (\$8,015,000.00) Dollars is hereby set aside for Salary Aid; Nine Hundred Thousand (\$900,000.00) Dollars for High School and elementary tuition; Five Million (\$5,000,000.00) Dollars for Transportation Aid; Sixty Thousand (\$60,000.00) Dollars, for the administration of this Act as provided herein; Twenty-five Thousand (\$25,000.00) Dollars, for the expenses of the Legislative Committee, the salary of the Legislative Accountant, and for such other and necessary expenses incident to the duties of the Legislative Accountant. Such Legislative Accountant shall be paid a salary of not more than Four Thousand and Two Hundred (\$4,200.00) Dollars, per year out of the sum hereby allocated. Any unexpended balance under either of the above allocations at the end of the first year of the biennium shall be transferred by order of the State Superintendent of Public Instruction and the approval of the Legislative Accountant to any allocation herein created and set up.

#### Article XIV. Penalty Provisions

Any district violating any of the provisions of this Act shall forfeit all rights to such and shall be disqualified to receive any aid of any nature under any article of this Act for the current year. Should any school district which would otherwise be eligible to receive aid fail to use the funds for the exact purpose for which they were allocated in the approved budget, such school district becomes ineligible for further aid until such offense is corrected. The amount of money granted for each type of aid except Tuition shall be set up as a separate account and shall be made only for the specified purposes for which such money was granted. It shall be unlawful for any county school superintendent or the superintendent of any common or independent school district school teacher, county trustee, and/or district trustee, or any other person to use or promise to use, pay or promise to pay, any of the funds herein appropriated for the purpose of paying the salary and/or expense of any person or persons to maintain a lobby for any purpose.

#### Article XV. Repealing and Constitutional Clauses

All laws or parts of laws in conflict

herewith are hereby repealed, and in the event any provision of this Act is declared unconstitutional or invalid by any court of competent jurisdiction, the remainder of this Act shall nevertheless remain in full force and effect.

Question—Shall the report be adopted?

#### House Bills Sponsored by Senator Kelley

On motion of Senator Winfield, and by unanimous consent, it was ordered that Senator Kelley on Thursday at 11:00 o'clock a. m., be permitted to move to take up severally each of several certain House Bills being sponsored by him in the Senate.

#### House Bill 853 on Second Reading

On motion of Senator Spears, and by unanimous consent, the regular order of business was suspended to take up on its second reading and passage to third reading:

H. B. No. 853, Appropriation to pay judgment rendered against the state.

The President laid the bill before the Senate on its second reading.

The bill was read second time and was passed to third reading.

#### House Bill No. 853 on Third Reading

Senator Spears moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 853 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Parrish
Chadick	Ramsey
Crawford	Shivers
Graves	Spears
Hazlewood	Stanford
Jones	Stone
Kelley	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Metcalf	York

Absent—Excused

Mauritz

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Parrish
Chadick	Ramsey
Crawford	Shivers
Graves	Spears
Hazlewood	Stanford
Jones	Stone
Kelley	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Metcalf	York

Absent—Excused

Mauritz

#### Report of Conference Committee on House Bill 110

Senator Bullock submitted the following conference committee report on House Bill No. 110:

Hon. John Lee Smith, President of the Senate.

Hon. Claud H. Gilmer, Speaker of the House of Representatives.

Sirs: We, the members of your conference committees appointed to adjust the differences between the Senate and House of Representatives on House Bill No. 110 have met and had same under consideration and recommend that House Bill No. 110 be passed in the form attached hereto.

BULLOCK  
METCALFE  
WINFIELD

On the part of the Senate.

PEARSON  
SWANSON  
STOREY  
ISAACKS  
CHAMBERS

On the part of the House.

H. B. No. 110 By Pearson et al.

A BILL  
To Be Entitled

An Act providing for the removal of cloud from title and for the appointment of receivers for certain mineral interests in land owned by non-resident or unknown owners; defining the duties and powers of such receiver; making the Act cumulative of all other laws relating to the same subject; and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. In an action filed in the District Court by any person, firm or corporation having, claiming or owning an undivided mineral interest in any tract of land in the State of Texas, in which it is made to appear that one or more of the defendants in such action are non-residents of the State of Texas, or persons whose place of residence is unknown and who have absented themselves for at least five (5) years successively next preceding the filing of said action, and who have, claim or own an undivided mineral interest in said land and have not paid taxes on said mineral interests or rendered same for taxes within said five year period, the District Court shall have power to appoint a receiver of said undivided mineral interest owned by such defendant, provided a duly verified petition is filed and satisfactory proof is made that the plaintiff or plaintiffs have made diligent but unsuccessful effort to locate such defendants, and that the plaintiff or plaintiffs will suffer substantial damage or injury unless such receiver is appointed.

Section 2. Such receiver, under the orders of the court, shall have power and authority to execute and deliver to a lessee a mineral lease on such outstanding mineral interest, upon such terms and conditions as may be prescribed by the court, and the moneys, if any, paid to such receiver, after the payment of the court costs, shall be by him deposited in the registry of the court for the use and benefit of such non-resident or unknown owners, and thereupon, the court may immediately discharge such receiver, and any future payments paid under such mineral lease shall be paid directly into the registry of the court and impounded for the use and benefit of such non-resident and unknown owners.

Section 3. This act shall not have the effect of altering or changing any laws now in effect relating to suits for the removal of cloud from title or the appointment of receivers under any other law, but is cumulative thereof.

Section 4. The provisions of this Act shall apply only to such tracts of land wherein the ownership of the minerals thereunder is divided among ten (10) or more separate owners, as revealed by duly recorded mineral conveyances of record at the time of the institution of the suit; and further, the provisions of this Act shall apply only where at least fifty per cent (50%) in interest of the total mineral ownership in any such tract is duly before the Court and represented in person or by attorneys of record in said suit.

Section 5. The fact that numerous small mineral interests in many tracts of land in the State of Texas are now owned or claimed by various non-residents and unknown owners whose whereabouts are unknown and undeterminable, and the further fact that such mineral interests are not susceptible to equitable partition and thereby renders the mineral value of such tracts of land practically valueless and seriously retards the development of the minerals in such tracts of land, creates an emergency and an imperative public necessity that the constitutional rule requiring that bills be read on three several days in each House be suspended, and such rule is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

On motion of Senator Bullock, the report was adopted.

## Record of Vote

Senator Moore asked to be recorded as voting "nay" on the adoption of the report.

## Recess

On motion of Senator Lanning, the Senate, at 12:45 o'clock p. m., took recess to 3:00 o'clock p. m., today.

## Afternoon Session

The Senate met at 3:00 o'clock p. m., and was called to order by the President pro tempore.

**Reports of Standing Committees**

By unanimous consent, the following reports were submitted at this time:

Austin, Texas,  
May 29, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred H. B. No. 882, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOFFETT, Chairman.

Austin, Texas,  
May 29, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred H. B. No. 878, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed and not otherwise printed.

CARNEY, Chairman.

Austin, Texas,  
May 29, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred H. B. No. 810, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

LANE, Chairman.

Austin, Texas,  
May 29, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred H. B. No. 383, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

LANNING, Chairman.

**Report of Conference Committee on Senate Bill 167**

The Senate resumed consideration of the motion by Senator Lanning to

adopt the report of the conference committee on S. B. No. 167.

The motion to adopt the report prevailed.

**Message from the House**

Hall of the House of Representatives,  
Austin, Texas,  
May 29, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 406, Increasing the tax imposed upon motor fuel, sold, distributed and used in Texas from the existing tax rate of 4c per gallon to a tax rate of 5c per gallon; with engrossed riders.

H. B. No. 157, Making an appropriation to pay the deficiency incurred by the State Board of Education in their per diem and travel expenses for the year 1943-1944 and for which no appropriation has heretofore been made; and declaring an emergency.

The House has adopted the Conference Committee Report on Senate Bill No. 120 by a vote of 110 yeas and 4 nays.

The House has adopted the Conference Committee Report on House Bill No. 110 by a vote of viva voce.

The House has adopted the Conference Committee Report on House Bill No. 173 by a vote of 112 yeas and 5 nays.

The House has adopted the Conference Committee Report on Senate Bill No. 317 by a vote of 69 yeas and 59 nays.

Respectfully submitted,  
CLARENCE JONES,  
Chief Clerk House of Representatives.

**House Bill on First Reading**

The following House bill, received from the House today, was laid before the Senate, read first time, and referred to the committee indicated:

H. B. No. 157, to Committee on Finance.

**Bills and Resolutions Signed**

The President pro tempore signed in the presence of the Senate after

giving due notice thereof, the following bills and resolutions:

H. B. No. 861, Relating to per diem allowed County Commissioners of Eastland County.

H. B. No. 840, Providing for the sale and transfer by the Board of Regents of the State Teachers Colleges of certain properties owned by the State of Texas and held and used for the benefit of Sul Ross State Teachers College at Alpine, Texas.

H. B. No. 780, "An Act repealing Chapter 202, Senate Bill 507, Special Laws, Regular Session, 42nd Legislature, regulating the taking of turkeys in Robertson County; and declaring an emergency."

H. B. No. 728, Providing for the purchase of property known as the French Embassy.

H. B. No. 540, "An Act to amend Article 5921, Title 96, of the Revised Civil Statutes of Texas, 1925, relating to removal of disabilities of minors so as to provide that minors above the age of eighteen years of age can have their disabilities of minority removed; and declaring an emergency."

H. B. No. 121, To amend Article 4141 of the Revised Civil Statutes of Texas, 1925, providing that bonds made by surety companies authorized to write such bonds in the State of Texas may be in the amount of the value of the personal property belonging to such estate, plus a reasonable amount to cover the rents, revenues and income derived from the renting or use of real estate belonging to such estate, plus any additional sum that may be found necessary by the county judge to protect such estate.

C. S. H. B. No. 23, "An Act requiring every group of individuals, society, association, or corporation transacting the business of life insurance, accident insurance, life and accident insurance, or health and accident insurance for profit, or for mutual benefit, or protection in this State on or before the 1st day of March of each year to file its annual statement with the Board of Insurance Commissioners showing the gross amount of premiums collected during the year ending December 31, preceding, from

persons residing or domiciled in this State upon policies of insurance; levying taxes upon the gross premium receipts as reflected by such reports; providing that the taxes so levied shall constitute all the taxes and license fees collectible, except certain enumerated fees, and prohibiting the levying and collecting of any taxes against any such insurance organization other than ad valorem taxes by any county, city, or town; etc., and declaring an emergency."

H. C. R. No. 80, Creating a New Texas Centennial Control Commission.

H. C. R. No. 107, Requesting the return of H. B. No. 849.

#### Report of Conference Committee on Senate Bill 317

Senator Lanning submitted the following report of the conference committee on Senate Bill No. 317:

Hon. John Lee Smith, President of the Senate.

Hon. Claud H. Gilmer, Speaker of the House of Representatives.

Sirs: We, the members of your conference committee appointed to adjust the differences between the Senate and the House of Representatives on Senate Bill No. 317, have met and had same under consideration and recommend that Senate Bill No. 317 be passed in the form attached hereto.

LANNING  
STONE  
GRAVES  
CARNEY

On the part of the Senate.

MORGAN  
LANSBERRY  
SADLER  
MANFORD

On the part of the House.

[Note—The bill attached to the report is printed in a separate supplement to today's Journal.]

Senator Lanning moved that the report be adopted.

Senator Stanford moved that further consideration of the report be postponed until 11:00 o'clock a. m., tomorrow.

Senator Moore moved to table the motion of Senator Stanford.

Yeas and nays were demanded, and motion to table prevailed by the following vote:

## Yeas—18

Aikin	Martin
Carney	Metcalf
Chadick	Moffett
Graves	Moore
Hazlewood	Ramsey
Jones	Stone
Kelley	Taylor
Lane	Winfield
Lanning	York

## Nays—10

Brown	Parrish
Bullock	Spears
Crawford	Stanford
Knight	Sulak
Morris	Vick

## Absent

Shivers	Weinert
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## Absent—Excused

Mauritz

Question recurring on the report, it was adopted.

## Record of Votes

Senators Sulak, Stanford and Morris asked to be recorded as voting "nay" on the adoption of the report.

On motion of Senator Lanning, it was ordered that the bill attached to the report be printed in separate supplement to today's Journal.

## Senate Bill 349 on First Reading

Senator Sulak moved that the rules adopted pursuant to Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a bill the provisions of which he explained.

The motion prevailed by the following vote:

## Yeas—30

Aikin	Knight
Brown	Lane
Bullock	Lanning
Carney	Martin
Chadick	Metcalf
Crawford	Moffett
Graves	Moore
Hazlewood	Morris
Jones	Parrish
Kelley	Ramsey

Shivers	Taylor
Spears	Vick
Stanford	Weinert
Stone	Winfield
Sulak	York

## Absent—Excused

Mauritz

The following bill then was introduced, read first time and referred to the Committee on Highways and Motor Traffic.

By Senators Sulak and Brown:

S. B. No. 349, A bill to be entitled "An Act creating a revolving fund for the Division of Soil Conservation of the Texas State Highway Commission, and defining its duties; providing for a Director thereof; providing that the Director or his agents or employees shall have the right of ingress or egress upon which soil conservation projects are being constructed; providing said Division to be free from damages and certain planning cost in any such project; providing for purchase of equipment; making appropriations therefor to be credited to said refund, and declaring an emergency."

## Motion to Adjourn

Senator Moore moved that the Senate adjourn until 10:30 o'clock a. m., Thursday, May 31, 1945.

Yeas and nays were demanded.

The motion was lost by the following vote:

## Yeas—9

Carney	Ramsey
Chadick	Stone
Crawford	Taylor
Lanning	Winfield
Moore	

## Nays—19

Aikin	Metcalf
Brown	Moffett
Bullock	Morris
Graves	Parrish
Hazlewood	Spears
Jones	Stanford
Kelley	Sulak
Knight	Vick
Lane	York
Martin	

## Absent

Shivers                      Weinert

Absent—Excused

Mauritz

Senator Martin moved that the Senate adjourn until 10:30 o'clock a. m., tomorrow.

Yeas and nays were demanded, and the motion was lost by the following vote:

## Yeas—10

Carney	Moore
Crawford	Ramsey
Graves	Stone
Lanning	Taylor
Martin	York

## Nays—16

Aikin	Metcalf
Brown	Moffett
Bullock	Morris
Hazlewood	Spears
Jones	Stanford
Kelley	Sulak
Knight	Vick
Lane	Winfield

Present—Not Voting

Chadick

## Absent

Parrish                      Weinert  
Shivers

Absent—Excused

Mauritz

## House Bill 810 on Second Reading

Senator Martin moved that the regular order of business be suspended to take up House Bill No. 810 for consideration at this time.

The motion prevailed by the following vote:

## Yeas—30

Aikin	Jones
Brown	Kelley
Bullock	Knight
Carney	Lane
Chadick	Lanning
Crawford	Martin
Graves	Metcalf
Hazlewood	Moffett

Moore	Stone
Morris	Sulak
Parrish	Taylor
Ramsey	Vick
Shivers	Weinert
Spears	Winfield
Stanford	York

Absent—Excused

Mauritz

The President pro tempore then laid before the Senate on its second reading and passage to third reading:

H. B. 810, Amending Article 1006, Code of Criminal Procedure of Texas, 1925, as amended. Pay for expenses incurred returning prisoners.

The bill was read second time.

Senator Martin offered the following amendment to the bill:

Amend H. B. No. 810 by striking out all below the enacting clause and insert in lieu thereof the following:

Section 1. That Article 1006, Code of Criminal Procedure of Texas, 1925, as amended by Acts, 1935, Forty-fourth Legislature, page 412, Chapter 162, paragraph 1 be amended so as to hereafter read as follows:

"Article 1006. Section 1. The officer or person so commissioned shall receive as compensation the actual and necessary traveling expenses upon requisition of the Governor to be allowed by such Governor and to be paid out of the State Treasury upon a certificate of the Governor reciting the services rendered and the allowance therefor.

"Section 2. The Commissioners Court of the county where an offense is committed may in its discretion, on the request of the Sheriff and the recommendation of the District Attorney, pay the actual and necessary traveling expenses of the officer or person so commissioned out of any fund or funds not otherwise pledged."

Sec. 2. All acts heretofore in force which are in conflict with this Act shall be and are hereby repealed.

Sec. 3. The fact that there are not sufficient funds in the State Treasury to return fugitives from justice now outside of the State and the further fact that the legislative calendar is crowded create an emergency and an



imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The amendment was adopted.

House Bill No. 810 was passed to third reading.

#### House Bill 810 on Third Reading

Senator Martin moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 810 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Parrish
Chadick	Ramsey
Crawford	Shivers
Graves	Spears
Hazlewood	Stanford
Jones	Stone
Kelley	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Metcalfe	York

Absent—Excused

Mauritz

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Lanning
Brown	Martin
Bullock	Metcalfe
Carney	Moffett
Chadick	Moore
Crawford	Morris
Graves	Parrish
Hazlewood	Ramsey
Jones	Shivers
Kelley	Spears
Knight	Stanford
Lane	Stone

Sulak  
Taylor  
Vick

Weinert  
Winfield  
York

Absent—Excused

Mauritz

#### Senate Bill 188 on Second Reading

Senator Vick moved that the regular order of business be suspended to take up Senate Bill No. 188 for consideration at this time.

The motion prevailed by the following vote:

Yeas—19

Aikin	Moffett
Brown	Parrish
Bullock	Ramsey
Chadick	Spears
Crawford	Stanford
Graves	Stone
Hazlewood	Vick
Jones	Winfield
Kelley	York
Metcalfe	

Nays—7

Carney	Morris
Knight	Sulak
Lane	Taylor
Moore	

Absent

Lanning	Shivers
Martin	Weinert

Absent—Excused

Mauritz

The President pro tempore then laid before the Senate on its second reading and passage to engrossment:

S. B. No. 188, A bill to be entitled "An Act making an appropriation, and authorizing the creation of a Committee to be appointed by the Supreme Court from the Bench and Bar of the State for the purpose of investigating the Judicial System and thereafter reporting to the Legislature on a system of judicial reform in Texas; and providing for the payment of the expenses of said Committee, and declaring an emergency."

The bill was read second time.

Question recurring on the passage of the bill to engrossment, yeas and nays were demanded.

Senate Bill No. 188 was passed to engrossment by the following vote:

## Yeas—15

Aikin	Metcalf
Bullock	Moffett
Chadick	Parrish
Crawford	Spears
Graves	Stanford
Hazlewood	Vick
Jones	York
Kelley	

## Nays—10

Brown	Ramsey
Carney	Stone
Knight	Sulak
Lane	Taylor
Moore	Winfield

## Absent

Lanning	Shivers
Martin	Weinert
Morris	

## Absent—Excused

Mauritz

## Senate Bill 188 on Third Reading

Senator Vick moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 188 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

## Yeas—16

Aikin	Metcalf
Bullock	Moffett
Chadick	Parrish
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Vick
Kelley	York

## Nays—9

Brown	Ramsey
Carney	Sulak
Knight	Taylor
Lane	Winfield
Moore	

## Absent

Lanning	Shivers
Martin	Weinert
Morris	

## Absent—Excused

Mauritz

## House Bill 38 on Second Reading

Senator Spears moved to suspend the regular order of business to take up House Bill No. 38 for consideration at this time.

The motion prevailed by the following vote:

## Yeas—17

Brown	Spears
Bullock	Stanford
Graves	Stone
Hazlewood	Sulak
Jones	Taylor
Kelley	Vick
Metcalf	Winfield
Moffett	York
Parrish	

## Nays—7

Aikin	Lane
Carney	Moore
Chadick	Ramsey
Knight	

## Absent

Crawford	Morris
Lanning	Shivers
Martin	Weinert

## Absent—Excused

Mauritz

The President pro tempore then laid before the Senate on its second reading and passage to third reading:

H. B. 38, A bill to be entitled "An Act providing for the protection of the public health; defining certain terms used in the Act; authorizing the State Board of Health to define and fix the specifications and standards for certain meat and meat food products sold for human food as defined in the Act; providing that specifications and standards defined and fixed shall be in harmony with the regulations contained and set out in this Act; authorizing the State Board of Health and its representatives to supervise and regulate the grading and labeling of meat and meat products sold for human food."

The bill was read second time.

Senator Spears offered the following amendment to the bill:

Amend the bill, page 5, lines 14.

19 and 23 by adding after the word "two" in each of said lines the word "Knowingly"

The amendment was adopted.

Senator Aikin moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Senator Winfield moved that the Senate adjourn until 10:00 o'clock a. m. Thursday, May 31, 1945.

Question first recurring on the motion of Senator Winfield, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—8

Carney	Moore
Chadick	Ramsey
Lane	Taylor
Lanning	Winfield

Nays—16

Aikin	Moffett
Brown	Parrish
Bullock	Spears
Crawford	Stanford
Hazlewood	Stone
Jones	Sulak
Knight	Vick
Metcalf	York

Absent

Graves	Morris
Kelley	Shivers
Martin	Weinert

Absent—Excused

Mauritz

Question next recurring on the motion of Senator Aikin that the Senate adjourn until 10:00 o'clock a. m., tomorrow, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—12

Aikin	Graves
Brown	Knight
Bullock	Ramsey
Carney	Lane
Chadick	Sulak
Crawford	York

Nays—13

Hazlewood	Kelley
Jones	Lanning

Metcalf	Stanford
Moffett	Stone
Moore	Taylor
Parrish	Winfield
Spears	

Absent

Martin	Vick
Morris	Weinert
Shivers	

Absent—Excused

Mauritz

Senator Spears offered the following amendment to the bill:

Amend H. B. 38 by inserting the word "penal" between the word "any" and the word "provision" in line 3, page 5 of the printed bill.

The amendment was adopted.

Question—Shall the bill be passed to third reading?

Senator Stone moved the previous question on the passage of the bill to third reading, and the motion was duly seconded.

Senator Aikin raised a point of order against consideration of the motion for the previous question at this time on the ground that no member of the Senate has had an opportunity to be heard in opposition to the bill.

The President pro tempore overruled the point of order.

Senator Sulak moved that the Senate adjourn until 10:30 o'clock a. m. tomorrow.

Senator Chadick moved that the Senate adjourn until 10:30 o'clock a. m. Thursday, May 31, 1945.

Question first recurring on the motion of Senator Chadick, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—7

Chadick	Moore
Knight	Taylor
Lane	Winfield
Lanning	

Nays—17

Aikin	Bullock
Brown	Carney

Crawford	Spears
Hazlewood	Stanford
Jones	Stone
Metcalf	Sulak
Moffett	Vick
Parrish	York
Ramsey	

Absent

Graves	Morris
Kelley	Shivers
Martin	Weinert

Absent—Excused

Mauritz

Question next recurring on the motion of Senator Sulak, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—10

Aikin	Knight
Brown	Lane
Bullock	Morris
Chadick	Sulak
Crawford	York

Nays—13

Hazlewood	Spears
Jones	Stanford
Kelley	Stone
Lanning	Taylor
Metcalf	Vick
Moffett	Winfield
Parrish	

Absent

Carney	Ramsey
Graves	Shivers
Martin	Weinert
Moore	

Absent—Excused

Mauritz

Question then recurring on the motion for the previous question on the passage of H. B. No. 38 to third reading, yeas and nays were demanded.

The Senate refused to order the main question at this time by the following vote:

Yeas—11

Bullock	Parrish
Crawford	Spears
Hazlewood	Stanford

Jones	Stone
Kelley	Winfield
Moffett	

Nays—11

Aikin	Metcalf
Brown	Morris
Chadick	Sulak
Knight	Taylor
Lane	Vick
Lanning	

Absent

Carney	Ramsey
Graves	Shivers
Martin	Weinert
Moore	York

Absent—Excused

Mauritz

Question—Shall H. B. No. 38 be passed to third reading?

#### Report of Conference Committee on Senate Bill 48

Senator Stanford submitted the following report of the Conference Committee on Senate Bill No. 48:

Austin, Texas,  
May 29, 1945.

Hon. John Lee Smith, President of the Senate.

Hon. Claud Gilmer, Speaker of the House.

Sirs: We, your Free Conference Committee, appointed to adjust the differences between the House and the Senate on Senate Bill No. 48, beg to report that we have had same under consideration and report to you that we are unable to agree.

STANFORD  
WEINERT  
SHIVERS

On the part of the Senate.

MARKEL  
FERTSCH  
EVANS  
SMITH

On the part of the House.

Senator Stanford moved that the Senate accept the report and that a new conference committee be appointed to adjust the differences between the two Houses on the bill.

Senator Lane raised a point of order against further consideration of the report on the ground that there was not a quorum present.

The President pro tempore directed the Secretary to call the roll.

The roll was called and the following Members answered to their names:

Aikin	Moffett
Brown	Moore
Bullock	Morris
Chadick	Parrish
Crawford	Spears
Hazlewood	Stanford
Kelley	Stone
Knight	Taylor
Lane	Vick
Lanning	Winfield
Metcalf	York

The President pro tempore announced that there was a quorum present.

Question—Shall the motion of Senator Stanford prevail?

Senator Aikin moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Senator Winfield moved that the Senate adjourn until 10:30 o'clock a. m. Thursday, May 31, 1945.

Question first recurring on the motion of Senator Winfield yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—8

Chadick	Moore
Knight	Stone
Lane	Taylor
Lanning	Winfield

Nays—14

Aikin	Morris
Bullock	Parrish
Crawford	Spears
Hazlewood	Stanford
Jones	Sulak
Metcalf	Vick
Moffett	York

Absent

Brown	Martin
Carney	Ramsey
Graves	Shivers
Kelley	Weinert

Absent—Excused

Mauritz

Question next recurring on the

motion of Senator Aikin, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—10

Aikin	Stone
Brown	Sulak
Bullock	Taylor
Crawford	Vick
Lane	York

Nays—14

Chadick	Moffett
Hazlewood	Moore
Jones	Morris
Kelley	Parrish
Knight	Spears
Lanning	Stanford
Metcalf	Winfield

Absent

Carney	Ramsey
Graves	Shivers
Martin	Weinert

Absent—Excused

Mauritz

### Adjournment

Senator Stone moved that the Senate adjourn until 10:30 o'clock a. m. tomorrow.

Senator Lanning moved that the Senate adjourn until 10:30 o'clock a. m. Thursday, May 31, 1945.

Question first recurring on the motion of Senator Lanning, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—8

Chadick	Moore
Knight	Stone
Lane	Taylor
Lanning	Winfield

Nays—15

Aikin	Morris
Brown	Parrish
Bullock	Spears
Crawford	Stanford
Hazlewood	Sulak
Jones	Vick
Metcalf	York
Moffett	

## Absent

Carney	Ramsey
Graves	Shivers
Kelley	Weinert
Martin	

## Absent—Excused

Mauritz

Question then recurring on the motion of Senator Stone, that the Senate adjourn until 10:30 o'clock a. m. tomorrow, yeas and nays were demanded.

The motion prevailed by the following vote:

## Yeas—14

Aikin	Hazlewood
Brown	Knight
Bullock	Lane
Crawford	Moffett

Morris  
Stone  
Sulak

Taylor  
Vick  
York

## Nays—10

Chadick  
Jones  
Metcalf  
Moore  
Parrish

Kelley  
Lanning  
Spears  
Stanford  
Winfield

## Absent

Carney  
Graves  
Martin

Ramsey  
Shivers  
Weinert

## Absent—Excused

Mauritz

The Senate, accordingly, at 5:50 o'clock p. m., adjourned until 10:30 o'clock a. m. tomorrow.

In Memory of

**Mabel Armstrong Bowen**

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Senator Stanford offered the following resolution:

(Senate Resolution No. 83)

Whereas, On the 28th day of May, 1945, Our Almighty God called from her earthly existence, Mabel Armstrong Bowen; and

Whereas, This beloved lady was a member of the State Comptroller's Office Force for over 20 years; and

Whereas, In her passing, the Comptroller's Department and the State, as a whole, have lost a highly esteemed and faithful employee, whose ability, energy and affable disposition made her beloved by all with whom she came in contact; and

Whereas, She filled all the years allotted to her with devoted service to her family, her friends, and to humanity; and be it further

Resolved, That a copy of this Resolution shall be spread on the Senate Journal and that a copy shall be sent to her family.

STANFORD  
PARRISH  
JONES

The resolution was read and was adopted unanimously.